

**SENATE JOURNAL  
65TH LEGISLATURE  
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 9, 2017

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Caferro. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Swandal and Whitford, excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 2/9/2017

Correctly printed: **SB 42, SB 108, SB 121, SB 140, SB 144, SB 209, SB 210, SB 211, SB 212, SB 213, SB 214, SB 215, SB 216, SB 217, SB 218, SB 219, SR 37, HB 67, HB 68, HB 82, HB 89, HB 91, HB 92, HB 105, HB 106, HB 130, HB 233, HB 241.**

Correctly engrossed: **SJ 5, HB 26, HB 119, HB 141, HB 172.**

Correctly enrolled: **SR 15.**

Examined by the sponsor and found to be correct: **SR 14, SR 15.**

Transmitted to the House: **SB 86, SB 119, SB 165, HB 59, HB 65, HB 80, HB 87, HB 146, HB 150, HB 166.**

Signed by the President at 3:45 p.m., February 8, 2017: **SB 33, SB 36, SB 101, SJ 1.**

Signed by the Secretary of the Senate at 4:00 p.m., February 8, 2017: **SB 33, SB 36, SB 101, SJ 1.**

Signed by the Speaker at 9:40 a.m., February 9, 2017: **SB 33, SB 36, SB 101, SJ 1.**

Delivered to the Governor at 10:52 a.m., February 9, 2017: **SB 33, SB 36, SB 101.**

Delivered to the Secretary of State at 11:33 a.m., February 9, 2017: **SJ 1.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair): 2/8/2017

**SB 139**, do pass.

**HB 119**, be amended as follows:

1. Page 2, line 4.

**Following:** "that"

**Insert:** ", driving at a reasonable speed for the road surface,"

And, as amended, be concurred in.

**HJ 1**, be concurred in.

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**JUDICIARY** (Regier, Chair): 2/9/2017  
**HB 202**, be concurred in.  
**HB 237**, be concurred in.  
**HB 246**, be concurred in.

**NATURAL RESOURCES** (Vincent, Chair): 2/8/2017  
**SJ 5**, introduced joint resolution, be amended as follows:

1. Page 2, line 9.

**Following:** "Montana's future"

**Insert:** ", "

**Strike:** "and"

2. Page 2, line 10.

**Following:** "Montana"

**Insert:** ", and the potential for other economic sectors to compensate for any reduction in the coal severance tax due to reduced coal mining in Montana"

And, as amended, be adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair): 2/8/2017  
**SR 13**, be adopted.  
**HB 177**, be concurred in.

**STATE ADMINISTRATION** (Brown, Chair): 2/8/2017  
**HB 207**, be concurred in.  
**HJ 5**, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE GOVERNOR**

February 8, 2017

The Honorable Scott Sales  
President, Montana State Senate  
Capitol Station  
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointments for confirmation.

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! Department of Fish, Wildlife and Parks, Director, **Ms. Martha Williams**, 3015 Martinwood Road, Missoula, MT 59802, appointed February 1, 2017.

I have included a packet of materials for the nomination for your consideration. Stacey Otterstrom, my Boards and Appointments Advisor will coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at sotterstrom@mt.gov or by phone at extension 4405.

Sincerely,

STEVE BULLOCK  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

2/8/2017

**HB 95**, introduced by G. Pierson  
**HB 182**, introduced by F. Garner  
**HB 195**, introduced by K. Holmlund  
**HB 201**, introduced by R. Cook  
**HB 245**, introduced by F. Mandeville  
**HB 256**, introduced by C. Knudsen  
**HB 271**, introduced by R. Cook  
**HB 279**, introduced by A. Rosendale  
**HB 286**, introduced by R. Shaw  
**HB 305**, introduced by B. Harris  
**HB 316**, introduced by K. Holmlund

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 221**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.  
**SB 222**, introduced by S. Fitzpatrick, T. Gauthier, T. Richmond, D. Salomon, J. Small, referred to Judiciary.  
**SB 223**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.  
**SB 224**, introduced by S. Malek, referred to Local Government.  
**SB 225**, introduced by D. Kary, E. Buttrey, P. Connell, M. Cuffe, A. Doane, J. Essmann, R. Fitzgerald, K. Flynn, W. Galt, T. Jacobson, T. Manzella, D. Mortensen, J. O'Hara, K. Regier, T. Richmond, F. Thomas, B. Usher, K. Wagoner, referred to Fish and Game.  
**SB 226**, introduced by J. Cohenour, referred to Education and Cultural Resources.  
**SB 227**, introduced by J. Cohenour, referred to Education and Cultural Resources.  
**SB 228**, introduced by D. Ankney, J. Pomnichowski, referred to Public Health, Welfare and Safety.

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**SB 229**, introduced by F. Moore, M. Caferro, referred to Judiciary.

The following Senate bill was introduced and read first time:

**SB 230**, introduced by M. MacDonald.

The following House bills were introduced, read first time, and referred to committees:

**HB 95**, introduced by G. Pierson (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

**HB 182**, introduced by F. Garner, referred to Judiciary.

**HB 195**, introduced by K. Holmlund, D. Bartel, B. Brown, E. McClafferty, referred to Public Health, Welfare and Safety.

**HB 201**, introduced by R. Cook, referred to Judiciary.

**HB 245**, introduced by F. Mandeville, referred to Local Government.

**HB 256**, introduced by C. Knudsen, S. Berglee, M. Blasdel, Z. Brown, A. Doane, W. Galt, S. Gunderson, B. Hamlett, B. Harris, G. Kipp, M. Lang, D. Mortensen, J. O'Hara, R. Peppers, A. Redfield, W. Sales, D. Skees, S. Staffanson, S. Stewart-Peregoy, R. Tempel, J. Windy Boy, referred to Agriculture, Livestock and Irrigation.

**HB 271**, introduced by R. Cook, J. Sesso, referred to State Administration.

**HB 279**, introduced by A. Rosendale, referred to State Administration.

**HB 286**, introduced by R. Shaw, D. Ankney, R. Cook, R. Fitzgerald, K. Flynn, W. Galt, F. Garner, B. Harris, J. Keane, C. Knudsen, M. Lang, D. Loge, T. Manzella, D. Mortensen, G. Pierson, A. Redfield, T. Richmond, W. Sales, D. Salomon, G. Vance, S. Vinton, J. Welborn, T. Welch, K. White, referred to Agriculture, Livestock and Irrigation.

**HB 305**, introduced by B. Harris, D. Bartel, B. Beard, R. Brodehl, B. Brown, F. Garner, C. Glimm, E. Greef, J. Knokey, D. Lenz, S. Staffanson, J. Trebas, S. Vinton, K. White, referred to Agriculture, Livestock and Irrigation.

**HB 316**, introduced by K. Holmlund, referred to Local Government.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hoven in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SR 18** - Senator K. Regier moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 18**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan,

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Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**SR 19** - Senator K. Regier moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 19**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 47

Nays: Hinkle.

Total 1

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**SR 22** - Senator K. Regier moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 22**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**HB 135** - Senator MacDonald moved **HB 135** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**HB 184** - Senator Fielder moved **HB 184** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**SB 44** - Senator Vance moved **SB 44** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

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Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Hoven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 60** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey,

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Fielder, Fitzpatrick, Gauthier, Gross, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Wolken.

Total 43

Nays: Hinebauch, Hinkle, Smith C, Vance, Mr.President.

Total 5

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**SB 64** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Wolken.

Total 44

Nays: Smith C, Vance, Webb, Mr.President.

Total 4

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**SB 42** passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gross, Hinebauch, Hinkle, Hoven, Howard, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vincent, Vuckovich, Welborn, Wolken, Mr.President.

Total 36

Nays: Blasdel, Brown, Gauthier, Jones, Kary, Keenan, Olszewski, Regier, Salomon, Smith C, Vance, Webb.

Total 12

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Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**SB 121** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**SB 140** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**SB 144** passed as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch,

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Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Mr.President.

Total 32

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Wolken.

Total 16

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**HB 67** concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Gauthier, Gross, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Wolken.

Total 33

Nays: Blasdel, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Olszewski, Salomon, Smith C, Vance, Vincent, Webb, Mr.President.

Total 15

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**HB 68** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**HB 89** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**HB 105** concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Swandal, Whitford.

Total 2

**MOTIONS**

Majority Leader Thomas moved that **SB 44**, heard on second reading this date, be re-referred

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to the Finance and Claims Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, February 10, 2017, the 30th legislative day. Motion carried.

Senate adjourned at 1:37 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate